

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BYRON BROWN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:05cv289-LG-RHW

**HARRISON COUNTY CIRCUIT COURT;
DISTRICT ATTORNEY'S OFFICE;
CLAY BROWN, Assistant District Attorney;
JUDGE JERRY O. TERRY
and SHERIFF GEORGE PAYNE, JR.**

DEFENDANTS

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. Pursuant to the Memorandum Opinion and Order issued this date and incorporated herein by reference,

IT IS HEREBY ORDERED AND ADJUDGED that the claim against the Harrison County Circuit Court and District Attorney's Office will be dismissed with prejudice, his claims against Defendants Judge Terry and Brown will be dismissed pursuant to 28 U.S.C.

§ 1915(e)(2)(B)(iii) with prejudice and *will not* count as a strike. However, the plaintiff's claim that his constitutional right to an initial appearance or bond hearing will be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and *will count* as a strike pursuant to 28 U.S.C. § 1915(g).

SO ORDERED AND ADJUDGED this the 30th day of April 2007.

s/ Louis Guirola, Jr.

Louis Guirola, Jr.
United States District Judge